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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Ms. Muna Zawani **Md Idris** (Brunei Darussalam)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the seventy-third session of the General Assembly in accordance with Assembly resolution 72/68.

2. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 1st meeting, on 4 October 2018, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 93 to 108. Also at its 1st meeting, the Committee decided, on the basis of conference room papers before it,[1] on the final composition for the exchange with the High Representative for Disarmament Affairs and other high-level officials on the current state of affairs in the field of arms control and disarmament. At its 2nd to 11th meetings, from 8 to 12 and from 15 to 18 October, the Committee held a general debate on the items. At its 8th meeting, on 16 October, the Committee had an exchange with the High Representative on the follow-up to resolutions and decisions adopted by the Committee at previous sessions and on reports presented to the Committee for its consideration, with a special focus on the United Nations Institute for Disarmament Research. At its 10th meeting, on 17 October, the Committee had an exchange with the High Representative and other high-level officials on the current state of affairs in the field of arms control and disarmament. The Committee also held 15 meetings (11th to 25th), on 18 and 19, from 22 to 26 and from 29 to 31 October,

[1] A/C.1/73/CRP.2 and A/C.1/73/CRP.3, available at www.un.org/en/ga/first/73/documentation73.shtml.

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for thematic discussions and panel exchanges with independent experts. At those meetings, as well as during the action phase, draft resolutions were introduced and considered. The Committee took action on all draft resolutions and decisions at its 26th to 31st meetings, on 1, 2, 5, 6 and 8 November.[2]

4. No documents were submitted for consideration under this item.

II. Consideration of draft resolution A/C.1/73/L.67

5. On 18 October, the representative of the United Kingdom of Great Britain and Northern Ireland submitted a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/73/L.67).

6. At the 29th meeting, on 6 November, the Secretary of the Committee read out a statement by the Secretary-General concerning the financial implications of the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.1/73/L.67 without a vote (see para. 8).

[2] For an account of the Committee's discussion of the item, see A/C.1/73/PV.1, A/C.1/73/PV.2, A/C.1/73/PV.3, A/C.1/73/PV.4, A/C.1/73/PV.5, A/C.1/73/PV.6, A/C.1/73/PV.7, A/C.1/73/PV.8, A/C.1/73/PV.9, A/C.1/73/PV.10, A/C.1/73/PV.11, A/C.1/73/PV.12, A/C.1/73/PV.13, A/C.1/73/PV.14, A/C.1/73/PV.15, A/C.1/73/PV.16, A/C.1/73/PV.17, A/C.1/73/PV.18, A/C.1/73/PV.19, A/C.1/73/PV.20, A/C.1/73/PV.21, A/C.1/73/PV.22, A/C.1/73/PV.23, A/C.1/73/PV.24, A/C.1/73/PV.25, A/C.1/73/PV.26, A/C.1/73/PV.27, A/C.1/73/PV.28, A/C.1/73/PV.29, A/C.1/73/PV.30 and A/C.1/73/PV.31.

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 72/68 of 4 December 2017,

Recalling with satisfaction the adoption and entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and its amended article 1,[2] the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and its amended version,[3] the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] the Protocol on Blinding Laser Weapons (Protocol IV)[4] and the Protocol on Explosive Remnants of War (Protocol V),[5]

Recalling the results of the Fifth Review Conference of the High Contracting Parties to the Convention, held in Geneva from 12 to 16 December 2016,

Welcoming the results of the 2017 Meeting of the High Contracting Parties to the Convention, held in Geneva from 22 to 24 November 2017,

Welcoming also the results of the Nineteenth Annual Conference of the High Contracting Parties to Amended Protocol II, held in Geneva on 21 November 2017,

Welcoming further the results of the Eleventh Conference of the High Contracting Parties to Protocol V, held in Geneva on 20 November 2017,

Noting with satisfaction that the Meeting of the Group of Experts of the High Contracting Parties to Amended Protocol II, the Meeting of Experts of the High Contracting Parties to Protocol V and the two sessions of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems of the High Contracting Parties to the Convention were held in 2018, and anticipating that the issue of non-payment will be addressed in order to deliver adequate and timely funding, enabling a positive financial situation that will allow meetings to be held next year,

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of various categories of conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,

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[1] United Nations, *Treaty Series*, vol. 1342, No. 22495.
[2] Ibid., vol. 2260, No. 22495.
[3] Ibid., vol. 2048, No. 22495.
[4] Ibid., vol. 2024, No. 22495.
[5] Ibid., vol. 2399, No. 22495.

Emphasizing the importance of the perspectives of women, men, boys and girls in considering the issues addressed by the Convention and its Protocols,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date and so as to ultimately achieve their universality;

2. *Calls upon* all High Contracting Parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

3. *Emphasizes* the importance of the universalization of the Protocol on Explosive Remnants of War (Protocol V);[5]

4. *Welcomes* additional ratifications and acceptances of or accessions to the Convention, as well as consents to be bound by the Protocols thereto;

5. *Acknowledges* the continued efforts of the Secretary-General, as depositary of the Convention and the Protocols thereto, and of the respective office holders of the conferences of the High Contracting Parties to the Convention, Protocol V and Amended Protocol II, on behalf of the High Contracting Parties, to achieve the goal of universality;

6. *Recalls* the following decisions by the Fifth Review Conference of the High Contracting Parties to the Convention:

(a) To establish an open-ended Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems in the context of the objectives and purposes of the Convention, adhering to the agreed recommendations contained in document CCW/CONF.V/2, and to submit a report to the 2017 Meeting of the High Contracting Parties to the Convention consistent with those recommendations;

(b) To add to the agenda of the next Meeting of the High Contracting Parties in 2017 the item "Protocol III";

(c) To add to the agenda of the next Meeting of the High Contracting Parties in 2017 the item "Mines other than anti-personnel mines";

(d) To add to the agenda of the next Meeting of the High Contracting Parties in 2017 the item for informal discussion "Consideration of how developments in the field of science and technology relevant to the Convention may be addressed under the Convention";

(e) To invite the Chair-elect to conduct consultations with a view to including on the agenda of the 2017 annual Meeting of the High Contracting Parties the item "Strengthening the respect for international humanitarian law and addressing, in the context and objectives of the Convention and its annexed Protocols, the challenges presented by the use of conventional weapons in armed conflicts and their impact on civilians, particularly in areas where there are concentrations of civilians";

(f) To include on the agenda of the annual Meetings of the High Contracting Parties the item "Financial issues related to the Convention and its annexed Protocols" and to consider at the next such meeting efficiency and cost-saving measures and a report to be prepared by the Chair-elect;

(g) To retain the practice of keeping summary records only for the final sessions of the future Review Conferences, the meetings of the High Contracting Parties to the Convention, and the Conferences of the High Contracting Parties to Amended Protocol II and Protocol V;

(h) To continue the Sponsorship Programme;

7. *Also recalls* the following decisions by the Meeting of the High Contracting Parties to the Convention in 2017:

(a) To call for a 10-day meeting, to be held in Geneva in 2018, of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems in the context of the objectives and purposes of the Convention;

(b) To call for the universalization and full implementation of Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons,[1] given the Protocol's importance, and to retain the agenda item "Protocol III";

(c) To request the Chair-elect to hold an informal open consultation on how best to address the continuing differences of views on "Mines other than anti-personnel mines" and to report to the High Contracting Parties in 2018;

(d) To place on the agenda of its next meeting the item "Emerging issues in the context of the objectives and purposes of the Convention" and to invite the High Contracting Parties to submit, no later than six weeks in advance of that meeting, working papers on issues they intend to raise;

(e) To keep under regular review the implementation of the financial measures that were agreed upon, in the light of the report of the Chair, to improve the situation of the Convention;

(f) To request the Chair-elect to identify and report to the High Contracting Parties in 2018 any further measures that could be considered to improve the stability of the Secretariat's support to the Convention;

8. *Calls upon* all High Contracting Parties to ensure full and prompt compliance with their financial obligations under the Convention and its annexed Protocols;

9. *Welcomes* the adoption by consensus of the financial measures by all High Contracting Parties at the Meeting of the High Contracting Parties in 2017 in response to the call to explore options to improve the financial situation and ways to ensure financial stability for the operation of the Convention and its annexed Protocols, and also welcomes the request to keep the measures under review in order to ensure the financial sustainability and the adequate and timely funding of the Convention;

10. *Also welcomes* the commitment by the High Contracting Parties to continue to contribute to the further development of international humanitarian law, and, in this context, to keep under review both the development of new weapons and uses of weapons, which may have indiscriminate effects or cause unnecessary suffering;

11. *Further welcomes* the commitment of the High Contracting Parties to Protocol V to the effective and efficient implementation of the Protocol and the implementation of the decisions of the First and Second Conferences of the High Contracting Parties to the Protocol establishing a comprehensive framework for the exchange of information and cooperation;

12. *Notes* that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols

thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols;

13. *Also notes* the efforts of the Chair to find, as requested by the High Contracting Parties, a stable basis for the Implementation Support Unit within the Geneva Branch of the Office for Disarmament Affairs of the Secretariat, which was established following a decision by the 2009 Meeting of the High Contracting Parties to the Convention, and recalls the decision of the Meeting of the High Contracting Parties in 2017 requesting the Chair-elect to identify and report to the High Contracting Parties in 2018 any further measures that could be considered in order to improve the stability of the Secretariat's support to the Convention without prejudice to the outcome of the efforts of the 2018 Chair;

14. *Underlines* the vital role of the full and equal participation of women in decision-making and implementation of the Convention;

15. *Requests* the Secretary-General to render the assistance necessary and to provide such services as may be required for the annual conferences and expert meetings of the High Contracting Parties to the Convention and of the High Contracting Parties to Amended Protocol II and Protocol V, as well as for any continuation of the work after the meetings;

16. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention, its amended article 1[2] and the Protocols;

17. *Decides* to include in the provisional agenda of its seventy-fourth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".